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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

DAVID OSTER, *et al.*,

Plaintiffs,

v.

WILL LIGHTBOURNE, Director of the California  
Department of Social Services; TOBY DOUGLAS,  
Director of the California Department of Health Care  
Services; CALIFORNIA DEPARTMENT OF HEALTH  
CARE SERVICES; and CALIFORNIA DEPARTMENT  
OF SOCIAL SERVICES,

Defendants.

Case No. CV 09-04668 CW

**CLASS ACTION**

**JOINT NOTICE AND REQUEST  
FOR DISMISSAL; ~~[PROPOSED]~~  
ORDER**

**JOINT NOTICE AND REQUEST FOR DISMISSAL**

On May 23, 2013, the Court granted final settlement approval in this action. At that time, a preliminary injunction appeal in this action remained pending in the Ninth Circuit Court of Appeals. Additionally, the terms of the settlement contemplated the subsequent passage of implementing legislation by the California Legislature. The Court's May 23, 2013, final approval order requires the remaining parties to file a Joint Notice and Request for Dismissal within 30 days after the date that the appeal in this case has been dismissed and the legislation enacted.

The parties hereby provide notice that the California Legislature passed the related legislation and it was signed by the Governor on May 30, 2013. The Ninth Circuit dismissed the appeal in this action on July 5, 2013. Therefore, the parties respectfully request that the Court sign and enter the attached proposed order dismissing this action. Pursuant to Fed. R. Civ. P. 58(d), the parties also respectfully request that the Court enter judgment accordingly.

Dated: August 1, 2013

Respectfully Submitted,

/s/ Stacey Leyton

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Dated: August 1, 2013

Respectfully Submitted,

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*Attorneys for Defendants*

#### GENERAL ORDER 45 ATTESTATION

I, Stacey M. Leyton, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that Defendants' counsel have concurred in the filing of this document with their electronic signatures.

Dated: August 1, 2013


By: /s/ Stacey M. Leyton

~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED that this case is dismissed with prejudice.

This judgment of dismissal is entered pursuant to the terms of the Settlement Agreement, which is incorporated herein as though fully set forth, and attached as Exhibit A to this Order. The Court orders the parties to the Settlement Agreement to perform all of their obligations thereunder. The Court retains exclusive and continuing jurisdiction over this case, the Named Plaintiffs, the Plaintiff Classes and Subclasses, and State Defendants for purposes of supervising and resolving issues relating to administration, implementation, and enforcement of the Settlement Agreement; resolving any disputes that may arise regarding the Settlement Agreement, its terms, or the enforcement thereof; and fashioning appropriate remedies for any violation of that Settlement Agreement. The Court's jurisdiction shall expire 30 months after the date of the Centers for Medicare and Medicaid Services' approval or disapproval of the "Assessment" described in Section VI of the Settlement Agreement.

Dated: August 7, 2013

  
Honorable Claudia A. Wilken  
United States District Court Judge